

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

EDWARD E. BRYANT, ET AL.	§	
Plaintiffs	§	
V.	§	C.A. NO. C-07-268
	§	
NATHANIEL QUARTERMAN, ET AL.	§	
Defendants	§	

**ORDER TO CLERK TO DOCKET PLEADING AS A NOTICE OF APPEAL
AND AS A MOTION FOR EXTENSION OF TIME TO FILE
NOTICE OF APPEAL AND DEFICIENCY ORDER**
(Plaintiff Marion Davis)

On March 7, 2008,¹ plaintiff Marion Davis filed a pleading titled “First Motion for Extension of Time to File Plaintiff’s Forma Pauperis Deficiency Order Plaintiffs Marion Davis” (D.E. 144). In it he claims for the first time that he wishes to appeal his case to the Court of Appeals. The Clerk shall docket this pleading separately as plaintiff Davis’s notice of appeal and as his motion for an extension of time to file notice of appeal. The motion for an extension of time to file notice of appeal will be addressed in a separate memorandum and recommendation.

Plaintiff has failed to pay the filing fee of \$455.00 or submit a completed application to proceed on appeal *in forma pauperis* with his original signature together with an *in forma pauperis* data sheet certified by one of the officers in the law library.

¹Plaintiff executed his motion and placed it into the prison mail system on March 7, 2008 (D.E. 144 at 6). Under the mailbox rule, it is considered filed as of that date. Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379 (1988).

Accordingly, it is **ORDERED** that the Clerk forward to Plaintiff/Appellant Marion Davis an application to proceed *in forma pauperis*. Within thirty (30) days of the date of this order Plaintiff/Appellant must submit to the district court either the filing fee of \$455.00 or a completed application to proceed *in forma pauperis* together with an *in forma pauperis* data sheet certified by one of the officers in the law library for this appeal to proceed. Failure to timely comply may result in dismissal of the appeal for want of prosecution.

Plaintiff Davis's motion for an extension of time to comply with the *in forma pauperis* requirements for his appeal (D.E. 144) is granted to the extent indicated in the preceding paragraph.

ORDERED this 30th day of April, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE